

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NUNEZ,		:
		:
	Plaintiff,	:
		:
-v-		:
		:
CITY OF NEW YORK, <u>et al.</u> ,		:
		:
	Defendants.	X

ORDER

The Court has received and reviewed carefully the proposed action plan (docket entry no. 462), the Monitoring Team’s status update (id.), the letter from Defendants in support of the proposed action plan (docket entry no. 463), and the letter from Plaintiffs setting forth their position on the proposed action plan and requesting that the Court set a briefing schedule for a motion for contempt (docket entry no. 464).

The Court has approved and entered the proposed action plan, with minor modifications to Section H of the proposed plan. (See docket entry no. 465.) The Court’s modifications remove the references and findings pursuant to 18 U.S.C. section 3626(a)(1)(B). The letter from Defendants in support of the proposed plan explicitly states that Defendants’ position is that “the [p]lan is entirely within the power of the Commissioner, and more broadly the Mayor, to execute.” (Docket entry no. 463.) Therefore, the Court concludes that making findings pursuant to 18 U.S.C. section 3626(a)(1)(B) is unnecessary at this juncture.

In light of the contemplated reforms proposed within the action plan, Defendants’ assurance that the plan is “entirely within the power of the Commissioner” and the Mayor to

execute, and Defendants' commitment "to seeking appropriate relief" should they encounter legal barriers to implementation of the plan (docket entry no. 463), the Court denies Plaintiffs' request to set a briefing schedule for a potential contempt motion at this time. This action plan represents a way to move forward with concrete measures now to address the ongoing crisis at Rikers Island. The Court has approved the proposed measures contained within the action plan, in full recognition that further remedial relief may be necessary should Defendants not fulfill their commitments and demonstrate their ability to make urgently needed changes.

The Court hereby schedules a status conference to be held on **November 17, 2022, at 2:30 p.m.**, following the issuance of the Monitoring Team's October 28, 2022, status report, in order to discuss the Defendants' implementation of the action plan and whether adoption of a briefing schedule for a motion for contempt is warranted based on Defendants' progress in achieving the meaningful reform set forth in the action plan, including in meeting the plan's deadlines for compliance. The Monitoring Team and the parties are directed to meet and confer following the issuance of the October 28, 2022, status report, and the Court directs the Monitoring Team to file a status update by **November 14, 2022, at 12:00 p.m. (noon)**, as to the parties' proposed next steps, including any proposed motion briefing schedule.

SO ORDERED.

Dated: June 14, 2022
New York New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge